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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
 FOR THE STATE OF ALASKA**

A.M. et al.)	
)	
)	Case No. A05-0179 CV (JWS)
Vs.)	
)	
Fairbanks North Star Borough)	
School District)	
)	NOTICE OF MOTION AND
)	MOTION TO STRIKE
)	DEFENDANT'S
)	CROSS-MOTION
)	FOR SUMMARY JUDGMENT

COME NOW, A.M. et al., by and through counsel, and files a Notice of Motion and Motion to Strike Defendant's Cross-Motion for Summary Judgment and states as follows:

1. On November 1, 2005, an Order from Chambers ("Order") was issued setting for the briefing schedule in this matter. The Order provided that A.M. would file an opening brief, that the Defendant would file a response brief and that A.M. would file a reply brief. The Order did not provide for any other substantive motions to be filed with the Court.

2. On February 21, 2006, Plaintiffs filed a motion for summary judgment/ judgment on the pleadings in lieu of an opening brief.

3. On April 3, 2006, Defendants filed a cross-motion for summary judgment stating that its memorandum was both in opposition to the Plaintiff's motion for summary judgment as well as in support of its cross-motion for summary judgment.

4. On April 4, 2006 an entry in the docket was made indicating that Defendant's cross-motion for summary judgment filed on April 3, 2006 would not be tracked as a cross-motion for summary judgment.

5. On April 4, 2006, Defendant again filed a cross-motion for summary judgment.

6. The Defendant did not file a motion for leave to file its cross-motion for summary judgment.

7. The matter before this Court is an appeal from an administrative decision pursuant to 20 U.S.C. § 1415(i)(2).

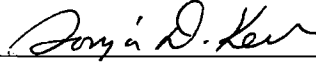
8. By filing a cross-motion for summary judgment the Defendants attempts to get the last word by having the opportunity to file a reply brief to any opposition the Plaintiff files to its cross-motion for summary judgment.

9. The Order provides that the last filing would be from the Plaintiff, which is proper as the Plaintiff appealed this matter to this Court.

THEREFORE, Plaintiffs' respectfully request that the Court grant their Motion to Strike Defendant's Cross-Motion for Summary Judgment and limit its consideration of Defendant's Cross-Motion for Summary Judgment as an opposition to Plaintiff's motion for summary judgment and striking the filing submitted by Defendant on April 4, 2006.

Dated this 7th day of April 2006.

Respectfully submitted,



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Certificate of Service

I hereby certify that on the 7th day of
April, 2006, a copy of this document
was served electronically on:

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Meg K. Allison

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